



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Connecticut Fire Insurance Company. From a judgment for plaintiff, defendant brings error. Reversed.

*Morison, Morison & Robertson*, of Big Stone Gap, for plaintiff in error.

*E. M. Fulton*, of Wise, and *Chapman, Peery & Buchanan*, of Tazewell, for defendant in error.

---

FARMERS' BANK OF SOUTHWEST VIRGINIA *v.* McGAV-  
OCK, et al.

Sept. 11, 1916.

[89 S. E. 949.]

**Clerks of Courts (§ 6\*)—Attestation of Process—Deputy Clerks.**—Const. art. 6, § 26, declares that writs shall run in the name of the commonwealth of Virginia and be attested by the clerks of the several courts. Such provision has been in the Constitution, beginning with that of 1776 down to the Constitution of 1902. Code 1887, § 817, in force when writ was issued, provided that the clerk, with the consent of his court or the judge thereof, may appoint one or more deputies, who might discharge any of their official duties of their principal during his continuance in office, and such provision has been continued in following Codes. A deputy clerk signed a writ directed to the sheriff in his own name, instead of in the name of the clerk of the court. Held, that as the Constitution is a mere limitation on the powers of the Legislature, and as the right of deputy clerk to attest writs has been sanctioned for generations, such writ must be treated as valid, and an office judgment based thereon will be upheld particularly where not questioned for many years.

[Ed. Note.—For other cases, see Clerks of Courts, Cent. Dig. §§ 12-20; Dec. Dig. § 6.\* 2 Va.-W. Va. Enc. Dig. 837.]

Error to Circuit Court, Wythe County.

Action by the Farmers' Bank of Southwest Virginia against J. C. McGavock and another. An office judgment, having been entered, was, on order of court, abated, and plaintiff brings error. Reversed.

*E. Lee Trinkle, W. B. Kegley*, and *Thomas & Thomas*, all of Wytheville, for plaintiff in error.

*W. S. Poage* and *S. B. Campbell*, both of Wytheville, for defendants in error.

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digest and Indexes.